

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD APRIL 21, 2015**

CALL TO ORDER

At 7:07 p.m., Mayor Woodruff called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

ROLL CALL

Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mayor Woodruff answered present. Also present was Township Attorney Joseph Sordillo, Township Administrator John Bussiculo and Township Clerk Ana Minkoff.

FLAG SALUTE

Mayor Woodruff asked everyone present to stand as he led the Flag Salute.

CONFERENCE SESSION -

The Township Council and the Mayor had nothing to report.

TOWNSHIP COUNCIL REPORTS

Moved by Mr. Pirone to open the hearing on Township Council Reports and seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone

Nays: None

Abstain: None

Absent: None

Mr. Delia – Mr. Delia stated that he had a lot to say but said he would say nothing.

Mr. Faecher - Mr. Faecher stated that he attended a continuing Legal Education Seminar (yesterday) on the Affordable Housing Decision and reported that 1) the Seminar was very well attended, 2) the law is in a state of flux, 3) everyone is in a “scramble” to understand what the new decision is about and how it will affect municipalities who need to comply, and 4) as a town, we are going to have to work on many of these issues. Mr. Faecher stated that he looks forward to helping to address these issues.

The Mayor stated that Mr. Faecher was joining the COAH Committee and he appreciated that.

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Mr. Pastore – Mr. Pastore had nothing to report.

Mr. Pirone – Mr. Pirone had nothing to report.

Mrs. Kingsley – Mrs. Kingsley stated that the Beautification Committee is well underway with the flag campaign. She reported that 1) they are trying to replace the flags which line Springfield Avenue in time for the Memorial Day Parade; 2) The new poles and brackets have a “lifetime guarantee;” 3) The cost per flag is \$150; 4) Their goal is to have 75 to 100 flags hung by Memorial Day; 5) Interested patrons can stop by Township Hall with payment or see Mrs. Kingsley.

Mr. Hall – Mr. Hall had nothing to report.

ADMINISTRATION REPORTS

Mayor Woodruff – The Mayor reported 1) beginning Monday, April 27th, the County will be paving Mountain Avenue and provided timing details on this work; 2) that he received confirmation from the Department of Transportation Commissioner regarding the \$225,000 additional grant for Snyder Avenue. However, we are still waiting for the check. The Mayor thanked Senator Kean for his assistance with this; 3) The Mayor’s Roundtable occurred this past week with DPW’s Don Cochario. The Mayor asked Mr. Bussiculo about the road plans (expected order is Glenside, Roland and Beattie; 4) Mr. Mae just contacted the Mayor regarding construction fences to go up in the next week or so (for the CVS property; 5) Mr. Hall asked about changing traffic patterns at this property; 6) this past Sunday, Congressman Lance attended a Governor Livingston performance.

Mr. Bussiculo – Mr. Bussiculo reported 1) FIOS needs a letter to get a government channel to complement the Comcast channel we already have; 2) We should have a new DPW Assistant Supervisor shortly (awaiting background check; 3) The new DPW office is now in place; 4) The Grass cutting “farming out” will not occur this year; 5) Decorative lights will soon go “up” at Investors Savings after some permit/outreach work by the Township; 6) Mr. Bocchino reviewed the plans for the sewer extension for Townhouses off Cottage; 7) Work has begun at Glenside Road; 8) The Police Parking Lot was “Striped.” The Commuter Lot and crosswalks will be striped next (tonight; 9) Since the last Township Council Meeting, 11 tons of asphalt have been put down on potholes and gave specific street references; and 10) Section 1 of the Chipping Program has been completed; Section 2 begins this Monday.

Moved by Mr. Pirone to accept and approve the Township Council and Administration Reports, seconded by Mr. Hall and upon roll call vote.

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone
Nays: None
Abstain: None
Absent: None

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APPROVAL OF MINUTES

Moved by Mr. Faecher to approve the following minutes, seconded by Mrs. Kingsley and upon roll call vote:

Public Meeting – February 10, 2015

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone
Nays: None
Abstain: Mr. Hall
Absent: None

HEARING ON AGENDA ITEMS ONLY

Moved by Mr. Pastore to open the Hearing on Agenda Items Only, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone
Nays: None
Abstain: None
Absent: None

The Mayor announced that we begin tonight with Mr. Sordillo, Township Attorney, explaining NJSA 40A:12A-5 and what is being moved with tonight's resolution (as he anticipated that a fair number of individuals would be speaking to a certain topic, specifically Resolution number 2,)

Mr. Sordillo spoke about Resolution Number 2, specifically that it would authorize the Planning Board to conduct a preliminary investigation regarding certain properties in need of Redevelopment (including Little Flower Church.) He furthered: 1) the Legislature adopted the local redevelopment housing law consolidating prior laws which allowed municipalities to redevelop and zone various properties in an effort to rectify underutilized and underdeveloped properties; 2) The law provides strength to municipalities over financial oversight in redevelopment/housing activities and gave mechanisms and procedures to allow it to bring redevelopment of individual properties that are needed within a municipality; 3) municipalities will have flexibility and control with finances and bonding; 4) with an explanation about our due diligence in connection with its investigation of a potential land swap or transaction with Little Flower Church, and in connection with its current redevelopment process of the Municipal Building; 5) The Municipality will be allowed a number of benefits, specifically cost savings (an elaboration followed;) 6) this resolution merely authorizes the preliminary investigation, namely authorizing the Planning Board to have a report prepared by the Township Planner regarding the property and whether it meets the criteria 7) Section 5 of the Redevelopment law sets forth the various criteria which must be met in order for an area to be deemed in need of redevelopment; 8) This process has been conducted for the existing Municipal Complex and it was found that the Complex has met a number of these criteria (Planning Board recommended it as needing redevelopment and Township Council made such resolution;) 9) We are just starting the process, as part of due diligence; 10) If deemed yes, then the Municipality (the Council as a body) would like to declare it an area of redevelopment; 11) If considered

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an area of redevelopment, then the normal processes would occur, that is a) an appropriate redevelopment plan, b) what Council would deem appropriate to develop on the Little Flower property and other properties as well as the Municipal Complex; c) current due diligence would continue.

The Mayor announced that Mrs. Kingsley would time everyone (for 3 minutes.)

Carol Matula of 5 Hastings Road stated that Mr. Sordillo did not mention if the tax payers would have a say in these areas (blighted.)

Mr. Sordillo stated 1) that properties not needing to be deemed blight (and referenced a recent Supreme Court decision, from Hackensack) in redevelopment designations; 2) areas of redevelopment, Municipal ordinances and exemption from public referendum challenge; and 3) this doesn't mean there is no voice of the people; he wouldn't agree with Ms. Matula's statement.

Ms. Matula stated that since the majority of the Council wants the swap then it doesn't matter what the people say. Ms. Matula stated that she was also puzzled by the cost savings statement. She also discussed who was developing what (private individuals versus the municipality.) Mr. Sordillo responded that the municipality would be contracting with a private entity to conduct the construction and the possibility of one entity to do both sites. Ms. Matula stated that she opposed the resolution and (opposed the land swap) and thinks that this is a worse step.

Ms. Camille Aragona of 56 Chaucer Drive stated that she was here to represent Mr. Mondelli and read a letter from him (**A copy of which is attached to the permanent minutes.**)

Mr. Tom Foregger of 14 Dorset Road asked whether he could ask about the budget. Discussion ensued on this question. He had a few questions regarding: 1) a \$125 expense for Seniors; 2) the number of new positions which are being funded and what they are; discussion ensued; 3) amount of money being budgeted for redevelopment studies; discussion ensued; 4) Memorial Field; discussion ensued; and 5) the second redevelopment (savings); discussion ensued.

Mr. Michael Ares from 6 Woglum Place stated 1) what will this do for us as a town; 2) there is an aesthetic question here; 3) we will basically get a new clubhouse; 4) there will be a lot of construction; 5) he moved here ten years ago and it's not cheap to move here; 6) there will be condos here, low and middle income housing; 7) this will affect the quality of life; 8) this will affect the property values; 9) that there would be more stuff/stores/buildings in town, referencing Starbucks; 10) that to say our taxes won't go up is a pipe dream.

Mr. Sordillo clarified that the redevelopment issue that is "on tonight" and the land transfer (Little Flower) has nothing to do with Affordable Housing (a constitutional mandate that has to be met.) A lengthy discussion ensued about the benefits to the town (whether there were any); the process will reveal what is our best interests, i.e., point of view as they related to cost, utility, etc. (Mr. Hall.)

Mr. Bill Machado of 67 Berkshire Drive spoke and included the following points: 1) he appreciated the information; 2) he feels our town is being held back by a small population; 3) we are making some progress; 4) we are so backwards; 5) New Providence is doing everything right and we are doing everything wrong; 6) we cannot get a Farmers Market here; 7) I love this town; 8) if we don't bring in new business, we will pay higher taxes; 9) two projects at the same time concept; discussion ensued; 10) he wants this town kicking and scratching into the 21st century; and 11) our property values won't rise if we continue to do what we do now.

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Mr. Gerald Kuzmik of Eaton Court: 1) asked why the previous speaker and “other folks who have a lot to say” don’t come to meetings; 2) stated that the Planning Board also has a lot to say in this town; 3) He asked that we “get our act together.”

Mr. John Sincaglia of 22 Robbins Avenue asked Mr. Hall if we don’t take this action, what does this mean? Mr. Hall discussed being responsible, what a study means, expected public hearings, and an action plan (redevelopment plan).

Ms. Aragona spoke to the previous speaker and asked him to do his research and further elaborated on that point. Discussion further ensued about the number of the meetings and their presentations. Mr. Hall spoke about upcoming presentations to be ready for discussion in May and June; Ms. Aragona spoke about deficiencies, specifically about the ladies locker room in the DPW cited in the plan.

Mr. Foregger asked about Mr. Mistretta’s study and money being allocated. Discussion ensued about the Planning Board’s role with this study and what was done previously.

Mr. Bruce Mostachia of 174 Princeton Avenue stated 1) he had a few concerns regarding the Little Flower Plan; 2) we should stop calling the action a swap (sows seeds of mistrust) rather it’s a transaction; 3) this is a huge undertaking; 4) he is in favor of development; 5) we need a new town hall; 6) our downtown does look like a disaster; 7) our master plan is expiring; 8) will the undertaking be part of the foundation of the master plan or will we see where this fits into the master plan; 9) we saw what happened with the inconsistency of Springfield Avenue; 10) the redevelopment of the housing will take the rights away from the tax payers and asked if that was true (i.e., a bond referendum;) Discussion ensued regarding this issue. Further discussion ensued regarding the Master Plan.

Mr. Jess Germansky of Lawrence Drive remarked that the sooner the dates are set in May and June, the more opportunity we have. He also asked about possible Council member coffees. Mrs. Kingsley said the coffees will follow. He also stated his confusion about the resolution and whether the actions had to be taken in this matter. Discussion ensued about the resolution and its wording and meaning.

Ms. Joan Luciano of Mountain Avenue asked whether Senior Affordable Housing “comes” under the compliance with the State. Discussion ensued about whether age restricted, affordable housing can count towards a municipality’s compliance. Ms. Luciano furthered that she hasn’t heard about Senior Housing in all the meetings she has attended and affordable housing for Seniors is needed in this town. The Mayor stated that the Council is very aware of 55 plus housing needs. He continued about the “plus’es” of Senior Housing and said it would be a cornerstone of any development. Discussion further ensued about partially fulfilling our “obligation” with Senior Housing.

A resident named Lisa of Pine Grove Road stated that this was the first time she was able to come to a meeting (she has young children.) She encouraged going “on line” as there are forums and people with questions and concerns. People like herself are getting answers from hearsay and they don’t understand what is going on. Her first question was about the “swap” and the Little Flower property. Discussion ensued about going to Little Flower with questions (Mrs. Kingsley.) Lisa asked about the property being publicly bid for sale. Lisa stated there was a huge community of people like herself who don’t get to come “here” and hear this information. Discussion ensued about the Township’s efforts to get meetings televised, getting needed information from the Administrator; and that the Governing Body does have email accounts and will respond. Lisa asked about the downtown vacancies. A lengthy discussion ensued.

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Hearing no voices, moved by Mr. Pastore to close the Hearing on Agenda items, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone
Nays: None
Abstain: None
Absent: None

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated April 21, 2015 in the amount of \$172,458.25.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Mr. Hall introduced the following resolution:

2. Resolution authorizing the Township Planning Board to undertake a preliminary investigation of the Local Redevelopment and Housing Law, in order to recommend to the Council whether the properties identified as Block 1301, Lots 19, and 26 and all of a portion of Block 208, Lots 38, 39, 40, in the Township of Berkeley Heights, or any portion thereof, are areas in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

Moved by Mr. Hall to approve resolution #2, seconded by Mr. Pastore and carried.

Mr. Delia stated that it does look like we are not giving the residents a vote. He proposed 1) when the Council decides what to do, let's put the plan on a ballot for a vote; and 2) let's put the redevelopment plan after the vote. He spoke about our desire to save money. Mr. Delia said he was speaking for the residents. He furthered: 1) people want a government they can trust; 2) "this" doesn't help; 3) people should be able to vote in a \$25 million deal which will change the town.

Mr. Hall discussed that a study itself doesn't eliminate the possibility of a referendum. Further discussion ensued about the study as well as a referendum (and types of referendums, i.e., binding.) Mr. Faecher stated that we are not predisposed to a certain action. He furthered about what the study can do and said he was here to do what was in the best interest for the municipality and all the residents. He needs the study to "do" that.

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Upon roll call vote:

Ayes: Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone
Nays: Mr. Delia
Abstain: None
Absent: None

Addition:

Mrs. Kingsley introduced the following resolution:

3. Resolution authorizing the Township Engineer to execute the NJDEP's form Statements of Consent, to be filed with the TWA application for Block 1301 Lot 8, on Cottage Street.

Moved by Mrs. Kingsley to approve resolution #3, seconded by Mr. Pastore and carried.

Mr. Delia asked to explain the resolution. Discussion ensued regarding a property being developed on Cottage Street.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Mr. Pirone introduced the following resolution:

4. Resolution creating a Mount Laurel Committee to assist the Township in addressing affordable housing issues. **(AMENDING RESOLUTION #73-2015)**

Moved by Mr. Pirone to approve resolution #4, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone
Nays: None
Abstain: None
Absent: None

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CONSENT AGENDA –

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Mr. Pastore introduced the following resolutions:

(5)

- a. Resolution authorizing the Tax Collector to refund the following 2014 tax overpayments:

1. Terence T. & He-Won Kim	13 Whispering Way E.	\$553.42
2. Anthony & Palma Rispoli	77 Springfield Avenue	\$543.36
3. Stephen & Marcia M. Falk	509 Plainfield Avenue	\$598.25
- b. Resolution authorizing the release of a cash bond to Mr. & Mrs. Delatour, 151 Timber Drive, for a street opening permit, in the amount of \$700.00.
- c. Resolution proclaiming April 24, 2015 as Arbor Day in the Township of Berkeley Heights.
- d. Resolution authorizing Summit Medical Group to hold the 2nd Annual “Run for Your Life 5k Run and 1.5 Mile Walk” on Sunday, October 25, 2015

Moved by Mr. Pastore to approve Consent Agenda resolutions #5a through d, seconded by Mr. Pirone and carried.

Mr. Delia noted the Township’s 4th graders’ efforts (200 trees) for Arbor Day.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None.

INTRODUCTION OF ORDINANCES:

Public Hearing and Final Adoption scheduled for May 5, 2015:

The Clerk presented and read

“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, FOR THE CALENDAR YEAR 2015, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45,14)”

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Discussion ensued that the Calendar Year was 2015 not 2014.

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk be offered on the first reading, and May 5, 2015 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News, seconded by Mr. Pastore and carried.

Mr. Delia stated that he would be voting no for the budget due to the capital plan, specifically the \$80,000 for the truck bodies (seems excessive.) The \$40,000 allocated for the cushion is ridiculous. He stated that he has a hard time putting money in a budget that could be spent on something else. Discussion ensued about the capital budget. Discussion ensued that his NAY is in regards to Municipal Budget, not this Ordinance.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone
Nays: None
Abstain: None
Absent: None

INTRODUCTION OF 2015 MUNICIPAL BUDGET

**Approval of 2015 Municipal Budget for introduction and establishing
June 9, 2015 as date of public hearing and final adoption.**

Moved by Mayor Woodruff to approve the Introduction of the 2015 Municipal Budget and establishing June 9, 2015 as the date of public hearing and final adoption, seconded by Mr. Pastore and carried.

Mr. Sordillo clarified that this was the introduction of the budget and that a public hearing will be held.

Upon roll call vote:

Ayes: Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone
Nays: Mr. Delia
Abstain: None
Absent: None

Mrs. Kingsley stated that the 2015 Budget included Spring Cleanup and that it would be held in the fall.

CITIZENS HEARING

Moved by Mr. Faecher to open the Citizens hearing, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone
Nays: None
Abstain: None
Absent: None

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The Mayor stated that Mrs. Kingsley remained the timekeeper.

Mr. Rob Walton from Jersey Central Power & Light. He wanted to introduce himself to the governing body and spoke about his background. Discussion ensued that the Township appreciates Jersey Central memos.

Hearing no voices, moved by Mr. Faecher to close the Citizens Hearing, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone
Nays: None
Abstain: None
Absent: None

EXECUTIVE SESSION – Contract Negotiations/Land Acquisition-Little Flower Church

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pirone and carried.

Mr. Sordillo reminded all that there would be no public action taken after the Executive Session.

Upon roll call vote:

(8:56 p.m.)

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pirone, and Mr. Pastore
Nays: None
Abstain: None
Absent: None

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pirone and upon roll call vote:
(10:30 p.m.)

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pirone, and Mr. Pastore
Nays: None
Abstain: None
Absent: None

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**ADJOURNMENT
(10:31 p.m.)**

Moved by Mr. Delia to adjourn, seconded by Mrs. Kingsley and upon roll call vote

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Approved: June 23, 2015